



Practitioner's Docket No. 1418-137

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**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: **LALOY, Luc**

Application No.: **10/656864** Group No.: **3765**  
Filed: **5 Sep 2003** Examiner: **Nerbun, P.P.**  
For: **HEADWEAR ITEM, AND MORE PARTICULARLY A CAP, A VISOR  
AND OTHERS**

**Assistant Commissioner for Patents**  
**Washington, D.C. 20231**

**PETITION AND FEE FOR EXTENSION OF TIME (37 C.F.R. § 1.136(a))**

1. This is a petition for an extension of the time for a total period of ONE months to file an Amendment "A"  
(indicate matter being extended)

NOTE: "Extensions of Time in Patent Cases (Supplement Amendments)—If a timely and complete response has been filed after a Non-Final Office Action, an extension of time is not required to permit filing and/or entry of an additional amendment after expiration of the shortened statutory period.

"If a timely response has been filed after a Final Office Action, an extension of time is required to permit filing and/or entry of a Notice of Appeal or filing and/or entry of an additional amendment after expiration of the shortened statutory period unless the timely-filed response placed the application in condition for allowance. Of course, if a Notice of Appeal has been filed within the shortened statutory period, the period has ceased to run." Notice of Dec. 10, 1985 (1061 O.G. 34-35).

NOTE: See 37 C.F.R. § 1.645 for extensions of time in interference proceedings and 37 C.F.R. § 1.550(c) for extensions of time in reexamination proceedings.

NOTE: An extension of time under 37 C.F.R. § 1.136(a)(1) is available unless:

- "(i) Applicant is notified otherwise in an Office action;
- "(ii) The reply is a reply brief submitted pursuant to § 1.193(b);
- "(iii) The reply is a request for an oral hearing submitted pursuant to § 1.194(b);
- "(iv) The reply is to a decision by the Board of Patent Appeals and Interferences pursuant to § 1.196, § 1.197 or § 1.304; or
- "(v) The application is involved in an interference declared pursuant to § 1.611."

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**CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. § 1.8(a))**

I hereby certify that this correspondence is, on the date shown below, being:

**MAILING**

deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Date: 10-10-05

**FACSIMILE**

transmitted by facsimile to the Patent and Trademark Office.

  
Signature  
**John S. Egbert**

(type or print name of person certifying)

(Petition and Fee for Extension of Time (37 C.F.R. § 1.136(a) [11-2]—page 1 of 3)

10/19/2005 RFEKA011 00000007 1056864  
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2. A response in connection with the matter for which this extension is requested:

- is filed herewith.  
 has been filed.

(complete the following, if applicable)

NOTE: The PTO accepts the filing of a continuing application as a response under 37 C.F.R. §§ 1.136 and 1.137. To facilitate processing in such a case, the petition for extension of time should specifically refer to the filing of a continuing application and also include an express abandonment of the prior application conditioned upon the granting of the petition and the granting of a filing date to the continuing application. Notice of May 13, 1983, 1031 O.G. 11-12.

- The response is the filing of a continuation application having an express abandonment conditioned on the granting of a filing date to the continuing application.

3. Applicant is

- a small entity. A statement:  
 is attached.  
 was already filed.  
 other than a small entity.

4. Calculation of extension fee (37 C.F.R. § 1.17(a)(1)–(5)):

Extension (months)	Fee for other than small entity	Fee for small entity
<input checked="" type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 390.00	\$ 195.00
<input type="checkbox"/> three months	\$ 890.00	\$ 445.00
<input type="checkbox"/> four months	\$ 1,390.00	\$ 695.00
<input type="checkbox"/> five months	\$ 1,890.00	\$ 945.00

Fee: \$ 60

If an additional extension of time is required, please consider this a petition therefor.

(check and complete the next item, if applicable)

- An extension for \_\_\_\_\_ months has already been secured. The fee paid therefor of \$ \_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$ 60

5. Extended period for response

Based on the extension requested in this petition (and that for which a previous petition has been filed, if any), the extended period for response will expire on  
10 Oct 2005 (Date).

## 6. Fee Payment

**NOTE:** If there is a fee deficiency and there is no authorization to charge an account, additional fees are necessary to cover the additional time consumed in making up the original deficiency. If the maximum, six-month period has expired before the deficiency is noted and corrected, the application is held abandoned. In those instances where authorization to charge is included, processing delays are encountered in returning the papers to the PTO Finance Branch in order to apply these charges prior to action on the cases. Authorization to charge the deposit account for any fee deficiency should be checked. See the Notice of April 7, 1986; 1065 O.G. 31-33.

- Attached is a  check  money order in the amount of \$ \_\_\_\_\_
- Authorization is hereby made to charge the amount of \$ \_\_\_\_\_  
 to Deposit Account No. 080879
- to Credit card as shown on the attached credit card information authorization form PTO-2038.

**WARNING:** Credit card information should not be included on this form as it may become public.

- Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

A duplicate of this paper is attached.

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SIGNATURE OF PRACTITIONER

  
John S. Egbert

(type or print name of practitioner)

Reg. No.: 30,627

Tel. No.: (713) 224-8080

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P.O. Address

Customer No.: 24106